

Remarks

The application has been reviewed in light of the Official Action mailed July 26, 2005. Claims 1 and 2 have been amended. Claim 13 has been cancelled. Claims 18-28 are new. Claims 1-12 and 14-28 are pending in the application.

The attention of the Examiner to this application and his indication of allowable subject matter is noted with appreciation.

In the amendment filed herewith, claim 1 has been amended to incorporate the subject matter of claim 13 previously indicated as allowable. Claim 1 thus requires the pressurized fluid source to be derived from one of the ports of the hydraulic machine. In the reference to Myles, the pressurized fluid is supplied by a separate charge pump, not by the adjustable hydraulic machine. Accordingly, the Examiners objection to claims, 1, 2 and 3 under 35 USC 102(b) is believed to be moot.

The Examiner has rejected claims 4 through 6 under 35 USC 103(a) over Myles in view of Bojas. Bojas does not disclose the provision of the pressurized fluid source derived from one of the ports and accordingly, the combination of Bojas and Myles does not teach the subject matter of claim 1 or claims 4 to 6 dependent thereon. Accordingly, these claims are believed to be in condition for allowance.

The rejection of claims 8 through 11 is also believed moot in view of the amendment of claim 1. The combination of Myles with Huffman does not disclose the provision of pressurized fluid from one of the ports of the hydraulic machine and accordingly does not render the subject matter of claims 8 through 11 as amended obvious.

Claim 7 has been previously indicated as allowable if written as an independent claim and accordingly a new independent claim, claim 18 has been introduced. Claim 18 recites the provision of a pair of single actuators, each biased to a maximum capacity of the actuators with the bias of one actuator being greater than that of the

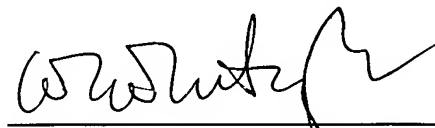
other to bias the machine to a position of maximum capacity. Accordingly, claim 18, incorporating the subject matter of previous claim 7 is believed to distinguish over the art made of record and claim 18 and the claims dependent thereon are believed to be in condition for allowance.

The Examiner also indicated that claim 12 defines patentable subject matter and accordingly new claim 20 has been included corresponding in scope to previous claim 12. As such, claim 20 and the claims dependent thereon are believed to be in condition for allowance.

An amendment has been made to claim 2 to correct the dependency so that claim 2 is dependent on claim 1 rather than itself. Further consideration and action to allowance is respectfully requested.

Respectfully submitted,

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